

TOWN OF SALISBURY  
Zoning Board of Appeals  
5 Beach Road  
SALISBURY, MASSACHUSETTS 01952  
978-462-7839

May 26<sup>th</sup>, 2015

7:00 P.M.

MINUTES

**Members Present:**

Susan Pawlisheck, Derek DePetrillo, Linda Tremblay, Beth Gandelman, Joseph Stucker

**Old Business**

Case No. 15-02

Smart Sign Systems Inc

191 Beach Road (Map 28 Lot 8)

Request for a Variance to grade and build stone base to match clubhouse stone veneer and to elevate sign above low grade conditions.

The applicant is requesting a Variance due to hardship in location, visibility. This location is zoned as a beach zone, and a project this big did not exist when zoning by laws came into being. They do not have the ability to put the sign on the building in a way that allows visibility from the road. The sign requires a stone base so it can even be viewed because it is below water level and competes with wetland grasses and other foliage. It does not compete with the local cadence in terms of aesthetic.

**QUESTIONS FROM THE BOARD**

Linda asks if there is an additional sign on the property. Each building will be labeled as well as resident parking and speed limit signs. They are for safety.

**Beth makes a motion to accept the sign as designed based on the low lying area and visibility and the need for emergency vehicles to find the property. Joseph seconds. Susan, Derek, Linda approve. Vote, 5 in favor, 0 opposed. Motion passes.**

**New Business**

Case No. 15-04

Dale & Lori Brasseur

97 Forest Rd (Map 21 Lot 113)

Request for a Variance to add a foyer to the front door entry and a 24'x24' garage.

This case has been continued to the June 9<sup>th</sup>, 2015 Zoning Board of Appeals meeting.

Case No. 15-05

Carlyn Capolupo

111 Elm St (Map 9 Lot 14)

Request for a Special Permit to start a dog day care.

The property has ample land and a useful location. It will be fenced in and provide in door space as well. The waste will be bagged twice and put in a dumpster. She should speak to the dog officer, who has a checklist of important information for these types of situations as related to sound, controlling the dogs, waste.

#### **QUESTIONS FROM THE BOARD:**

Beth asks about the buildings. The current buildings will remain with only a fence being put in. The dogs will be in groups of 5-6 to avoid excess noise. Derek asks about room for pick up and drop off; there are 8 parking spots at the driveway. Is there space for 15-20 dogs in the house? Yes, the house will have enough space for the maximum number. Susan asks if she plans to live in the currently vacant house; Ms. Capolupo does not have plans definitively to live at this residence yet. Scott explains that she needs an occupancy permit to open this business, and commercial allows single family dwelling, so she could live there. Susan explains that they want input from animal control because Special Permits require conditions by which the business will be run. The Zoning Board must give the Special Permit for this business to be allowed before Ms. Capolupo can get an occupancy permit. Ms. Capolupo also explains that she does not have residential neighbors within 3-quarters of a mile.

**Susan makes a motion to accept the Special Permit with the following conditions: hours of operation are 7am to 6pm; the business start with only ten dogs; and the applicant return to the Board in six months' time for review. Beth seconds. Derek, Joseph, Linda motion to approve. Vote, 5 in favor, 0 opposed. Motion passes.**

Case No. 15-06

Douglas Livingstone

173 R. Folly Milly Rd (Map 12 Lot 145)

Request for a Variance for a manufactured home on the premises for which there is no frontage in Salisbury.

Mary Vance, representing the applicants, explains that the majority of the land is in Seabrook but some remains in Salisbury. Seabrook intends to provide sewage and water to the property. The daughter of the applicants, Tammy Sargent, is a registered nurse, and would provide on-site care to her parents. The hardship lies in having the land in Salisbury without the frontage; zoning will not allow this building without a Variance. Without the Variance, the applicants would not be able to have the on-site care necessary to their needs.

**ABUTTERS**

Emmanuel Conya

175 Folly Mill Road

He feels strongly that the potential manufactured home is too close to his house because it will be approximately 20 feet from his front door. Susan explains that the Variance deals with the frontage, not the side setbacks, so it does not directly affect his property, which faces the side setbacks.

## QUESTIONS FROM THE BOARD

Susan questions how the property can be accessed from Salisbury if there is no frontage in Salisbury. She asks if the frontage could be sold to be part of Seabrook. However it would not meet the frontage in Seabrook either. Susan also questions how the access to the property goes through the parents' property, which may cause a problem with future owners. Ms. Vance explains that this would be recorded exactly in the deed to prevent future issues. Can it be located further from the abutter's home? Tammy explains that they cannot set it back further because Seabrook would not provide water and sewage otherwise. Beth asks if all the facilities are from Seabrook whereas the property is in Salisbury. Tammy explains that this is correct and they pay taxes in both towns. Scott explains that this is a unique condition but that other properties have had this situation before. The town does not have a code for it, but it is not without precedent.

**Derek makes a motion to grant the Variance as the applicant has shown substantial hardship from topography, soil conditions, and building restrictions on the land. Susan seconds the motion. Beth motions to approve the motion. Joseph and Linda motion to deny the Variance. Vote, 3 in favor, 2 opposed. Motion fails.**

## Minutes

April 28<sup>th</sup>, 2015

**Derek makes a motion to accept the minutes of April 28<sup>th</sup>, 2015. Beth seconds. Susan and Linda motion to approve.**

**Vote, 5 in favor, 0 opposed. Motion passes.**

## Correspondence

Executive Session: Clear Channel et al. v. Susan Pawlisheck, et al.

Susan makes a motion, Joseph seconds the motion; unanimously voted to move into Executive Session at 7:50pm to discuss Clear Channel v. ZBA and to adjourn without returning to open session. Present will be the Chairperson, Clerk, and three members of the Board.

Roll vote: Joseph Stucker—yes; Linda Tremblay—yes; Derek DePetrillo—yes; Beth Gandelman—yes; Susan Pawlisheck—yes.

## Adjourn

The meeting adjourned after the executive session at 8:30pm.

Date: \_\_\_\_\_

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Susan Pawlisheck—Chairperson

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Derek DePetrillo – Clerk

\_\_\_\_\_  
Kevin Henderson

\_\_\_\_\_  
Beth Gandelman

\_\_\_\_\_  
Linda Tremblay

\_\_\_\_\_  
Joseph Stucker

Respectfully submitted by Catherine Scott

\_\_\_\_\_  
Catherine Scott

\_\_\_\_\_  
Date